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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,299	07/31/2003	Gary A. Kordosky	U 0186 OS/MINPT	2626

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COGNIS CORPORATION
PATENT DEPARTMENT
300 BROOKSIDE AVENUE
AMBLER, PA 19002

EXAMINER

KASTLER, SCOTT R

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,299

Applicant(s)

KORDOSKY ET AL.

Examiner

Scott Kastler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9-12,14-16 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9-12,14-16 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,10-12, 14-16 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domic et al. . Domic et al, in the embodiment of figure 1 and at col. 3 line 46 to col. 4 line 66 for example, teach a method and apparatus for counter current solvent extraction including three counter current reactors contacting two stripping stages for extraction of either copper or nickel values (see col. 4 lines 60-64 for example) and where the instantly recited compounds can be employed as the solvent extraction reagents (see col. 4 lines 55-61 for example) thereby showing all aspects of the above claims except the use of only a single stripping stage, although Domic et al never requires any specific number of stripping stages past stating that more stripping stages (eloution stages in Domic et al) allow for more complete recovery. However, the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because it has been well settled that elimination of an element in an apparatus or a step in a process along with the element's or step's function, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made. See MPEP 2144.04 II A. In the instant case, elimination of all but one stripping stage in Domic et al, where lower copper value recovery rates are acceptable, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made.

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Claims 1-3, 9-12, 14-16 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Lower or Pang. Both of Lower (the embodiment of figure 1 for example) and Pang (the embodiment of figure 1 for example) teach a method and apparatus for the counter current solvent extraction of copper values comprising at least 3 counter current extraction stages, a wash, or filter stage and a strip stage, thereby showing all aspects of the above claims except the use of only a single stripping stage and three extraction stages, although both Lower and Pang never require any specific number of stripping or extraction stages and broadly include arrangements with only a single stripping stage and three extraction stages. However, the subject matter as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because it has been well settled that elimination of an element in an apparatus or a step in a process along with the element's or step's function, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made. See MPEP 2144.04 II A. In the instant case, elimination of all but one stripping stage and three extraction stages in either of Pang or Lower, where lower copper value recovery rates are acceptable, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

Applicant's arguments filed on 12/6/2005 have been fully considered but they are not persuasive. Applicant's argument that Domic requires more than a single stripping stage since multiple stripping stages are shown in the figures (the preferred embodiments of Domic) is not persuasive because as stated above, Domic does not require any specific number of stripping

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stages (see the claims for example) and a reference is not limited in what it teaches to its preferred embodiments, but rather is prior art for all that it teaches. Applicant's further argument that Domic does not teach counter-current flow is not persuasive because Domic specifically teaches that counter-current flow is known (column 2 lines 15-24 for example) and that counter-current flow has as its main advantage that fewer stages are required (column 3 lines 4-7 for example).

Applicant's further argument that neither Lower or Pang allow for only a single stripping stage is also not persuasive. Again, neither of Pang or Lower require any specific number of stripping or extraction stages, and cannot be limited as to what they teach by their preferred embodiments, and in the claims of each of Lower and Pang for example, only a single stripping stage is actually required.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

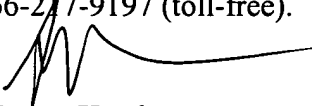
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott Kastler
Primary Examiner
Art Unit 1742

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